

8481



To

The State Council,

Jaipur.

SIRS,

We respectfully beg to submit our Memorial to His Excellency the Viceroy and Governor-General of India and request that the same may be forwarded to the Resident at Jaipur.

We beg to remain,

Sir,

Your most Obedient Servants,

THAKUR SURAJ BAKSH SINGH.

„ SHEO BAKSH SINGH.

„ NARAYAN SINGH.

„ SHEO LAL SINGH.

„ BAGH SINGH.

Thakurs of Mandela in Shekhawati,

State Jaipur.

महासिंह सुरजबख्शसिंह ११/११/१९१२
मंडेला मंडेला सोनालसिंह
४/५/१९११ मंडेला मंडेला
सोनालसिंहमंडेला

The Resident at Jaipur.

We, the undersigned Thakurs of Mandela, beg respectfully to request you to kindly forward our Memorial submitted herewith to His Excellency the Viceroy and Governor-General of India, through the Hon'ble the Agent to the Governor-General in Rajputana.

Sir,

THAKUR SURAJ BAKSH SINGH.

„ SHEO BAKSH SINGH.

„ NARAYAN SINGH.

, SHEO LAL SINGH.

„ BAGH SINGH.

Thakurs of Mandela in Shekhawati,

State Jaipur.

Dated 20th August 1918.

૨૩૧૪૭૭૭૭૭૭૭૭
 મહેલા
 આધાતે
 મહેલા
 મોંજીવનીમુખા

No other agreement was entered into by both the States regarding the decision in the case, nor were the Memorialists consulted, nor had they any information as to who was to decide it.

3. The Hon'ble Col. Manners Smith, the present Agent to the Governor-General in Rajputana, inspected the site, and gave decision in the case on 3rd December 1917 (Annexure E), and fixed the boundary line marked B. K. A. J. in Annexure A. But the decision is bad, according to law, usage and merits of the case. The very first paragraph shows that doubt exists in the mind of the judge. No regular enquiry was made as to where the dispute first arose, and which portion of the land marked No. 2 and 3 in Annexure A had been in possession of the parties, and how it came into the possession of the parties. But in a few minutes the decision was arrived at, as if the case was prejudged, and no attempt was made to clear the situation. Never have boundary disputes been decided like this before. Boundary disputes are always decided by Panchayats. With what data and authority the judge acted is not known. How with one stroke of the pen the survey enquiry of the Government of India has been found wrong by the judge is not shown by any reason or argument. The word *must*, on the other hand, clearly proves that the judge himself is not in full possession of the facts to give a clear decision on the case supported by facts on record. It is a fact that no arguments were heard, representatives of the Mandela Thakurs were not allowed to speak, and the case received no judicial deliberation. "The parties could not settle the dispute by private mutual arbitration" is another finding recorded in the first paragraph of the decision, which is quite wrong. The Topographical Survey map itself does not show that any dispute regarding this land ever existed. In that full enquiry made at the time of the Topographical Survey all disputed boundaries were marked clearly. Therefore the remark against the survey boundary line is not correct. No attempt was ever made by the two representatives of the Bikaner and Jaipur States, or by the Hon'ble the Agent to the Governor-General, Rajputana, who both exceeded the limits of their jurisdiction to record what they had to decide, and therefore their decisions are *ultra vires*. The admission of Thakur Bhur Singh of Rawatsar and Thumli that the Mandela Thakurs have been in possession of the land in dispute was enough to fix upon the land in dispute. When the Thumli Jagirdars were cutting trees near Dedhana Jora, or, as the Thumli Jagirdars state, that the Thakurs of Mandela were measuring the land in plot No. 2 of Annexure A, the land in dispute was plot No. 2 of Annexure A. What gave the representatives and the Hon'ble the Agent to the Governor-General authority to give a decision as to the land in plot No. 3, which was marked as Jaipur territory by the Topographical Survey in 1868, without showing it as disputed land? The present boundary line of Thumli Jagirdars not only includes, according to this decision, these plots of land, but takes a further curve and includes the land of village Dhani Mahtiwali, which is admitted by the Thumli Jagirdars as belonging to Mandela. This clearly shows how hurriedly the decision has been arrived at without grasping the real facts of the case.

सुजागरिका
सिद्धा
११११११ ११११११ ११११११
११११११ ११११११ ११११११
११११११ ११११११ ११११११

4. The record of the case is full of facts from which justice can be done by an impartial judge. What created doubt in the mind of the representative of the Bikaner State was the letter of Thakur Nand Ram Singh of Mandela. But no effort was made to understand that this document was not genuine. In the first place the Patta of Hardewa Meena (Annexure F) was proved to be not genuine because it does not contain any name of the Jora (small water-tank). The Bikaner representative could not take it to mean Gadrana Jora. It may be some other Jora. The other boundaries of the fields mentioned in the Patta also take it to the Bikaner territory far away from the land in dispute and the Thumli Jagir land. Other facts attaching to the Patta also point out where the field of Hardewa Meena is. It could only be in the Khalsa land of Bikaner. The Patta is granted by the Bikaner State and has no reference to the Thumli Jagirdar's estate. There are other contradictions in the statement of Bhur Singh, Jagirdar of Rawatsar, to whom Thumli also belongs, as he states he receives rent from Hardewa, while Hardewa says the grant is "Muafi." The Patta mentions four annas rent to be realised instead of seven annas, while Bhur Singh says he realises six annas. The witness produced is Hardewa Meena, while the Patta is a grant to Hardewa Baori—two different and well-known criminal tribes. Hardewa States that his father's name is Bhairun, while in the Patta Hardewa, son of Hira Baori, is mentioned. If the Patta is for the land situated in Thumli how can the Bikaner State receive rent for it? The Thumli Jagirdar should get rent from Hardeva. In any case, with all these discrepancies, the most important point with respect to the Patta is that the field mentioned in this Patta is situated in the Khalsa land of Bikaner and not in the Jagir land in dispute, as the boundaries of the Patta show. Therefore it is clear that the Patta is a grant to some other person in the Khalsa land. The Patta is dated 1901, while the land in dispute has belonged to Mandela for over 130 years. The Bikaner representative himself therefore refused to admit it as genuine. The letter of Nand Ram Singh is a forged document. It bears a small seal in which the letters are so obliterated that it is hard to find whose seal it is. The Memorialists have the seal of Nand Ram Singh, which is much bigger, but neither the representatives nor the judge perused it. Here again no effort was made to show where Thakur Nand Ram Singh of Mandela wanted to cut grass from. The letter says near Jora Gadrana. When all the land to the south, east, north, and west of Jora Gadrana has belonged to Mandela for the last 130 years how could Nand Ram Singh ask the Thumli Jagirdars to allow him to cut grass there? The letter is written not in the way the Thakurs of Mandela write. The ink and paper show that the letter was written quite recently, and is therefore a forged document. With all these defects when the letter does not fix upon a particular place and does not give any boundaries, how could the Thumli Jagirdars make it the basis of their claim and lay claim to all the land in dispute? No cause has been shown as to why the letter was not produced for such a long time. It was possible to investigate who wrote the letter but no enquiry was made. In the 1867 Topographical Survey enquiry was made, and the enquiry by Mr. Charles Burton to settle boundary disputes

सुरजब्रह्मसीध
मंडेल
नाथसिंह
मंडेल
नारायण
मंडेल
सोहनलाल
मंडेल

was made in 1874. Why were these objections not raised on these two occasions? Why was the letter not produced in the beginning of the present enquiry, though all documents were asked to be produced? and why was it produced only a few hours after the decision was verbally pronounced and the case was closed by the representatives of the States of Bikaner and Jaipur that the Topographical Survey line should be the boundary line of Mandela and Thumli? No mention was made of this letter before. The decision was given when the Thumli Jagirdar refused to produce and failed to produce any other document besides Hardewa Meena's Patta, the land comprised in which was proved to be elsewhere in Bikaner Khalsa land and not in Thumli, and therefore it was rejected by both the representatives. Moreover, Nand Ram Singh did not want to cut grass from all the land of plot No. 2. It comprises 2,326 bighas of land. When the letter is about a portion of land in No. 3 where Gadrana Jora is, what makes the judges give decision about plots Nos. 2 and 3?

5. The second paragraph of the decision shows that there is no clear ground on which the findings are based. The words "presumably" and "think" and no "straight-forward" answer are clear enough to lead to only one conclusion, that the judge himself is not satisfied with the facts before him, and to base the decision on such meagre evidence and to decide a case which is full of doubts, does not put the judge in a position to give any sound judgment. No case can be decided merely by suppositions. Reference to the letter of Captain Thoresby is another example of the fact that no enquiry was made at all. If Captain Thoresby had decided that the land was mortgaged to the Mandela Thakurs why was possession not made over to Thumli Jagirdars? Where is the mortgage deed? Could 2,326 bighas of land outside the Topographical Survey line towards Thumli, or the whole of that piece of land and 1,687 bighas inside the Topographical Survey line, be mortgaged for a petty sum of Rs. 82? But no enquiry was made as to which piece of land it was. Nor was it brought on record whether Captain Thoresby decided in favour of Mandela or Thumli. No account is given of the land said to have been mortgaged by Thumli Jagirdars to Mandela in the enquiry made by Captain Thoresby nor are any boundaries mentioned. What is there to show that it is the same piece of land which has been adjudged by the Hon'ble the Agent to the Governor-General to belong to Thumli?

6. All the real facts which throw much light on the whole case and which would have been useful to base the findings on, have been lost sight of, viz:—

(a) Forty cultivators have deposed on oath that both the plots marked 2 and 3 in Annexure A have belonged to Mandela, and they have always cultivated them for Mandela Thakurs. The evidence of independent witnesses of neighbouring villages is also on record to prove that the land in plots 2 and 3 shown in Annexure A belongs to Mandela.

(b) The Account books of Mandela show that the Thakurs have been receiving rent from both these plots 2 and 3 for the last 120 years.

सुनावली १५/११/१९०५
मंडला
हिस्ट्री
मंडला
मंडला

(c) When Mandela was seized by Jaipur that State received rent from the shares of four Mandela Thakurs from Sambat 1925, corresponding to 1868 A.D., to Sambat 1931, corresponding to 1874 A.D.

(d) The plot No. 2 outside the Topographical Survey line was given to the Bardars and Nirbans by Mandela Thakurs about 163 years ago as their Pattas show (Annexures G and H).

(e) The land inside the Topographical Survey line has been in separate enjoyment of the five Mandela Thakurs for nearly the last 130 years. If the dispute was about Kankar or uncultivated land in the north of Jora Dedhana as Annexure K shows, how was this cultivated land also included?

(f) Full enquiries were made by the Topographical Survey Department before making out the boundaries of Jaipur and Bikaner, and no dispute was shown on this particular line, though wherever there was disputed land it was shown as disputed boundary, *vide* Annexure B.

(g) The dispute is with Thumli Jagirdar, who has a grant from Bikaner, and therefore his land can be measured, but no Patta was produced to have the land in his possession ascertained, and the Jagirdar Bhursingh of Kojla or Rawatsar, to whom Thumli also belongs, and who has given it to his younger brothers in maintenance, in his statement (Annexure I) admits that the land in dispute is in possession of the Mandela Thakurs.

(h) On one side is a Jagirdar of Thumli, and on the other the Thakurs of Mandela, who are the descendants of conquerors. So the land of the former being a grant can be ascertained, while that of the latter cannot. The latter went on acquiring the land in their possession, from time to time, as opportunity arose. They can therefore plead nothing but possession, and they have proved that their possession is of long standing.

(i) Even if the theory of the supposed mortgage of plot No. 2 be accepted as likely, though there is hardly anything to support it, still it could be argued that the mortgage is time-barred, and the Thumli Thakurs are not in any way legally entitled to redeem it.

(j) The decision is inequitable, inasmuch as while finding that the land must have been mortgaged by Thumli to Mandela, no order was passed for the payment of the mortgaged money.

(k) Could the land of a Jagir be mortgaged by a Jagirdar in such a way as is alleged by the Thumli Jagirdar, and that too to make over complete possession for an indefinite number of years to include it in another State? There is no such case in any State, and it could not be so mortgaged, as Thumli belongs to the Bikaner State and not to the Jagirdar.

(l) The possession of Mandela over this land is older than the grant of Thumli Jagir. As no regular enquiry was made either by the representatives of the States, or by Col. Manners Smith, the Hon'ble the

अधिवक्ता

अधिवक्ता

अधिवक्ता

अधिवक्ता

11

अधिवक्ता

अधिवक्ता

7. For the sake of convenience the whole land may be divided into two plots, (A) inside the survey line, and (B) the other outside it. The piece of land inside the survey line was divided into five parts in Sambat 1844, corresponding to 1787 A.D., and has been in possession of the five Thikanas of Mandela ever since. The Mandela Thakurs have got accounts to show that they have been in possession of this land ever since their forefathers conquered it. At the time of the Topographical Survey of 1867 this land was marked as belonging to Mandela, and was included in Jaipur State. Full enquiries were made and Bikaner never claimed it then. Therefore it was not marked as disputed land as is clear from the Topographical Survey line (Annexure B). In 1874 Mr. Charles William Burton, Assistant to the Agent to the Governor-General, decided several boundary disputes. If there had been any dispute as regards this piece of land, it would have been decided as was done in the case of Tigias and Khori, which are situated so near this piece of land. Bikaner or Thumli did not claim this land on these two important occasions. If this piece of land had been mortgaged to Mandela by Thumli, as mortgage does not pass ownership, the land could not have been shown as belonging to Jaipur. The boundaries and extent of States cannot be lessened or enlarged simply by private mortgages of Jagirdars. The State may any day resume the Jagir of Thumli and Rawatsar. How could such a holder pass ownership in that land to Mandela Thakurs? Therefore such mortgages could not have been recognized by Government. The Survey officers of British Government could only take into consideration the real extent of conquered territory of Mandela. Mortgage means passing temporary possession, and such possession could not be taken into account for boundaries of States. Therefore the plea of Thumli about mortgage of this piece of land is quite wrong.

8. In the case of Thumli, the Bikaner State is the owner of that land. It was therefore the duty of the Bikaner State to show that this piece of land belonged to her, and the State should have got it marked at the time of the Topographical Survey as belonging to Bikaner. On the other hand the Mandela Thakurs were not consulted at the time of the Topographical Survey, as they were not on the occasion when the representatives were appointed, or when the case was referred to the Hon'ble the Agent to the Governor-General, otherwise they would have shown the extent of their conquered territory. The State of Jaipur, which treats Shekhawati as foreign territory, could not very well know the conquests of Mandela, nor could they know the extent of Mandela territory, because it was not granted by Jaipur, and could not be traced from State records.

9. Up to 1833 Shekhawats were asked by the Government of India to pay tribute to British Government because they paid it to Ajmer Treasury

pay tribute to British Government because

मुद्रावत्रसंसीध नापालिह नारायण मंडेल सोमनाथसिंह
मंडेल - मांडेला मंडेला

सावननशीदुलता

before. What interest could the State of Jaipur take in a piece of territory which had not been consolidated then, and the Topographical Survey dates only thirty years after that? Jaipur State was thus not losing any territory but Bikaner State was. Therefore Bikaner should have been more vigilant. But Bikaner accepted the Topographical Survey line to run where it does now, because that was profitable to her, as she acquired 2,326 bighas of land outside it towards Thumli. Thus on one side there was a State which was ignorant of the conquests and possessions of her new ally and tributary estate, and on the other the real plaintiff, the Bikaner State. Bikaner cannot now come forward and say that the land inside the Topographical Survey line belongs to her. All law and equity are against her, such as principles of laches and estoppel. Moreover, this plot of land was divided amongst the five Thakurs of Mandela many years ago in five parts. These five parts of the land are well marked by trees growing on their border, and appear so old that it cannot be imagined that any attempt has been made by the Mandela Thakurs to acquire this land recently. These marks are as old as the date of partition, but the Thumli Jagirdar is now removing these trees to deface the boundaries.

10. In face of the evidence of this plot of land called by the Memorialists A, and shown as No. 3 in Annexure A, having been cultivated by the cultivators of Mandela for the Thakurs of Mandela and paying them rent up to Sambat 1967, corresponding to 1910 A.D., before the dispute arose, and which they were then ordered not to cultivate, what proof of ownership has been produced by Thumli? The judges have to weigh the evidence but this was not done. Bhur Singh, Jagirdar of Thumli, stated that 9,000 bighas was granted to him as Jagir land, but he did not produce the Patta to prove it, nor did he get it measured.

11. As to the land outside the Topographical Survey line called by the Memorialists B, and shown as No. 2 in the map (Annexure A), it is submitted that the Thakurs of Mandela have been in possession of it for over 150 years. The word ghanao means inhabited by and cultivated by the Jats of Ghangas caste. The Tahsildar of Shekhawati in Jaipur and the Tahsildar of Rajgurn in Bikaner came to the spot to settle the dispute, and they were talking about the northern portion of this land outside the Topographical Survey line, i.e., the kankar land north of Jora Dedhana, and when the tables turned against the latter, and no proof was advanced by Bhur Singh, he only made answer that he should either get more land from Bikaner or have the rent reduced, for it was increased in his case from Rs. 900 to Rs. 1,800 and is now Rs. 2,000. The deficiency should be made up somehow or other (as per Annexure K). The evidence of the Sardars of Bisao, Surajgarh, Malsisar and of the inhabitants of the neighbouring villages could prove that the land belongs to Mandela, but it was not received.

12. The Mandela Thakurs gave 1501 bighas of land outside the Topographical Survey to their Bardars and Nirbans (as per Annexures G and H), as their Pattas dated Chait Sud 9th, Sambat 1812 and 1815,

सुखदेवससीध १५०१ बघा
मंडेल
१५०१
१५०१
१५०१

corresponding to 1755 and 1758 A.D. show. These Bardars rendered service to the Thakurs and formed a Militia. If the 2,326 bighas of land outside the Topographical Survey line had belonged to Bikaner, neither could the Thakurs of Mandela give it to the Bardars in perpetuity nor could they accept it, because as mortgagees they had no such right, and they knew well that the possession of the Thakurs was only temporary. The Thumli Jagirdars could also object to the Thakurs of Mandela giving it away to the Bardars as a service tenure, but it was not done. The remaining land was given to cultivators, and the Memorialists have in their possession accounts of the income of this land ever since Sambat 1890, corresponding to 1833 A.D. The Jaipur State has a map of Mandela prepared in Sambat year 1941, corresponding to 1884 A.D., in which the boundary of Mandela has been shown as extending over four miles, from the village of Mandela towards Bikaner territory, though not with the knowledge of the Memorialists. The enquiry made by the Tahsildar Rajgarh of Bikaner, and Tahsildar of Shekhawati in Jaipur State (Annexure K) also shows that the dispute was about the kankar or unirrigated land, and it arose north of Jora Dedhana. This also points out that the dispute arose on the northern border of the land No. 2 shown in Annexure A, and called by the Memorialists B. In these circumstances there was hardly any occasion for the representatives of both the States of Jaipur and Bikaner, and the Hon'ble Col. Manners Smith, the Agent to the Governor-General in Rajputana, to concern themselves with the land inside the Topographical Survey line shown in plot No. 3 in Annexure A. When there was no dispute regarding plot No. 3, it clearly means that the representatives and the Hon'ble the A. G.-G. exceeded their powers in giving decision about it. Therefore the decisions are *ultra vires* and require to be revised after a thorough enquiry. At the very outset the Vakil Deedar Buksh of the Thakurs of Mandela gave boundaries of Mandela (Annexure J), and the witnesses also mentioned the boundaries (as per Annexure K report of the Tahsildar of Shekhawati), and that is the piece of land shown as Nos. 2, 3 and 4 in Annexure A, which belongs to Mandela as shown above.

13. When the enquiry was started by the Tahsildar of Rajgarh of the Bikaner State, and by the Tahsildar of Shekhawati in the Jaipur State jointly, Bhur Singh, Thakur of Rawatsar and Thumli, pointed out his *kankar* (unculturable land) from the south of Thumli, and showed the trees growing on his boundary, that piece of land was beyond Jora Dedhana (as per Annexure K). How could the plots of land Nos. 2 and 3 as shown in Annexure A, and called by the Memorialists A and B, be latterly shown as disputed land?

14. Other facts connected with this piece of land called B by the Memorialists, and shown as number 2 in Annexure A, prove that it belongs to Mandela. The Hon'ble the A. G.-G. mentions that the Jagirdars of Thumli wrote to Major Thoresby that they wanted to redeem their land from the Thakur of Mandela; but if Major Thoresby had decided in favour of Thumli, why was possession not made over

સુજાનવસતીય શાખાલિદે ગમાપણમ સોનાલસૌર
મહેલા મહેલા

સુજાનવસતીય મહેલા મહેલા

Annexure C.

BIKANER,

Dated 23-3-14.

DEAR RAI BAHADOOR—

I must apologise for not having written to you before, but I have been on tour up to now. I hope you will accept my sincere sympathies on the loss of your wife.

As regards our meeting I should prefer it to be in Delhi, if it is found necessary, but I am not sure that we will not be able to settle the Mandela case. I do not think it will be worth while our going to the trouble of a journey, etc., unless the Thumli Thakur can produce proof sufficient to convince me that the Survey Map is wrong, and I am not satisfied that the proof produced so far is sufficient. I am therefore

...objection, sending for him here about April 9th.
... (Annexures G and H) show that this
... Mandela.

15. In conclusion, the Memorialists respectfully pray that orders be issued that justice may be done in this case of the Memorialists, after a thorough enquiry made by a Commission appointed with ^{their} ~~their~~ consent, and that no action may be taken by the Jagirdar of Thumli or Rawatsar of the Bikaner State in taking possession of the land (plots Nos. 2 and 3) or building on it, or cultivating it, until the case is so decided. It has been kept uncultivated since 1910 A.D, and it may remain so until justice is done in this case. *The Resident is*

justice is done in this case. The Resident & Council delays & sending these ^{memorials} & returned them as per Annexure on. to P. & therefore these copies of the Memorial are submitted direct.

We beg to subscribe for ever,

Your Excellency's

Most Loyal and Obedient Memorialists,

THAKUR SURAJ BAKSH SINGH.

„ SHEO BAKSH SINGH.

” NARAYAN SINGH.

„ SHEO LAL SINGH.

” BAGH SINGH.

Thakurs of Mandela,

in Shekhawati, State, Jaipur.

सुजवप्रससीध बाबासाहेब मराठा मंडळ सोलापूर सं ५

Annexure G.

BIKANER,

Dated 23-3-14.

DEAR RAI BARADOOR—

I must apologise for not having written to you before, but I have been on tour up to now. I hope you will accept my sincere sympathies on the loss of your wife.

As regards our meeting I should prefer it to be in Delhi, if it is found necessary, but I am not sure that we will not be able to settle the Mandela case. I do not think it will be worth while our going to the trouble of a journey, etc., unless the Thumli Thakur can produce proof sufficient to convince me that the Survey Map is wrong, and I am not satisfied that the proof produced so far is sufficient. I am therefore prepared, if you have no objection, sending for him here about April 9th to give him another chance of proving his case. If on seeing what he has to advance, I do not consider we have strong enough grounds to go against the Survey Boundary, I will wire to you accepting that boundary, as I think you are also prepared to do so.

The only thing then to be done will be to get our maps of that boundary to agree. The Bikaner people of course deny the complaints against them of removing the flags, but I have instructed the Nazim to get into communication with your Nazim and to try to get your map made amicably. I can send you a copy of our map if you wish it, and you can then send a man to compare it on the spot and say if you have any objection to raise to its measurement. I think this would be the best way of settling the map question. If I think there is a strong enough case against the Survey Boundary to make our meeting necessary, I will wire you to that effect, but this does not seem preferable at present. Of course whatever reasons the Thumli Thakur may advance before me here will not be evidence in our enquiry and would have to be produced again before us sitting jointly, but I am taking this course as I do not see the use of going to meet you merely to agree that the Survey Boundary must be accepted. The note about cutting the grass in Sambat 1910 is the best proof against Survey Map produced so far, and if you could let me know what proof the Mandela Thakurs have to show this is a forgery, this would make the necessity of our meeting more remote. Have they a seal of their ancestor? One could compare with the one on the alleged note.

(Sd). G. D. RUDKIN.

संजयसिंह
मंडेल

राधासिंह
मंडेल

राधासिंह
मंडेल

सोनालसिंह
मंडेल

संजयसिंह मंडेल

Annexure D.

Translation of a Vernacular Report submitted by Rai Bahadur Pundit Durga Pershad, Representative of Jaipur State, regarding the boundary dispute between Mandela and Thumli.

According to the orders of the Council I went to the place situated on the border of Mandela and Thumli on 3rd February 1914. Mr. G. D. Rudkin, I.C.S., who represented the Bikaner Durbar in this boundary dispute case, came there and stayed within the limits of Thumli. Both of us, accompanied by Thakurs of Mandela and Thumli, went to the land in dispute in the afternoon and examined the boundaries. Thakurs of Mandela pointed out the kunchas (shrubs) as their katcha boundary. Thakur Bhur Singh of Thumli could not point out any marks as showing the boundary of his Jagir estate. We remained there on the spot till dark inspecting and examining the boundaries.

The following details will convey a description of the disputed land. The boundary pointed out by Thakur Bhur Singh of Thumli has no boundary marks, nor does the place seem to possess any visible signs of boundary. There are no kunchas (shrubs) to mark the boundary as is generally the case. Thakur of Thumli states that his boundary extends up to the north of Mandela. But this contention is not acceptable. The boundary marks pointed out by the Thakurs of Mandela exist, and are regularly traceable in the shape of kunchas (shrubs) and trees. After examining the site we commenced the formal enquiry into the case.

On 4th February 1914 at 10 A.M. I went to the place where the Bikaner representative was staying, as it was arranged to hold the court there. The Nazim of Shekhawati and the Thakurs of Mandela were with me. The Bikaner representative directed Ashraf Khan, Jaipur Amin, to go to the spot and prepare a plan of the land under dispute. Before commencing the enquiry we asked the two parties to arrive at a mutual settlement after considering the matter, and an hour's time was allowed to the Thakurs of Mandela and Thumli to submit a reply after deliberating over the question with attention. Rora Jat and Chundra Jat were named as Punchas of Mandela and Thumli respectively, and a deed showing the names of the referees (Punchas) was executed by the two parties. It was submitted and attested.

We went to the spot with the two referees and the two parties, in order to ascertain the boundaries. But the referees could not agree on the disputed points. It appeared that Thakur Bhur Singh made his referee understand by means of signs to dissent, which led to this disagreement.

At last we commenced the regular enquiry. The two parties produced the cultivators as witnesses. The Mandela Thakurs produced *Khasra*, *Khatoni*, *Bahhis*, *Jamabandis*, etc., in support of their respective claims.

સુરજવલ્લભસાધી સાદામિદે નારાયણમ સોનાબલસં
મેહેલા મંડેલા અરેના મેહેલા

સાચવસાધમુખા

The depositions of the witnesses of the two parties were therefore recorded. The documents submitted by the two parties in support of their respective claims were placed on the record and were carefully examined by us. Since it was dark, enquiry was adjourned till the 5th February, to be commenced as arranged at my place on the following day at 7-30. A.M. The Bikaner representative, accompanied by Nazim and Tahsildar of Reni, came to my place. The enquiry was commenced. The statement of Thakur Bhur Singh of Thumli was recorded. He was directed to produce documentary evidence if he had any. He did not put forward any proof then, nor did he state that he had any. He did not even mention that he would produce any documentary proof subsequently. The enquiry lasted till 11 A.M., and it was arranged to begin it again at the place where the Bikaner representative was staying. I went with the Nazim of Shekhawati and Thakur of Mandela to the place where the Bikaner representative was staying and enquiry was commenced. The cultivators produced by the two parties were examined. Ashraf Khan, Amin, produced a map of Topographical Survey made by Government of India in the years 1867 and 1868, which clearly showed the boundaries of Mandela and Thumli. The map was carefully examined by us. We found the boundaries as shown in the map to correspond with those actually in existence. We both discussed the matter for a long time. Finally we came to the conclusion that the map in question was prepared some forty-six years back, at a time when there was no boundary dispute between the two villages, and that the boundaries specified in the map might be adhered to.

It was then decided to hold the court on the following morning at my place, and to give the decision there to the two parties. On 6th February at 7-30. A.M. the Bikaner representative, accompanied by the Nazim of Reni and Thakur Bhur Singh of Thumli, came to my place. We both discussed the question and summoned the parties before us. Both of us then pronounced our decision in the open court to the effect that the boundaries shown in the Topographical Survey map will be considered the boundary line between Thumli and Mandela. Though the Thakurs of Mandela had objections to abide by this decision, which would cause their loss too, but I, in order to settle the dispute, accepted the position. The decision was not recorded then. In the afternoon we both went to the spot and had the boundary flags fixed into the ground in conformity with the boundaries shown in the map. The Amins of the two parties were directed to prepare maps of the land showing the boundaries specified by the flags. This decision was made known to all concerned, and was to show the extent of the land of each party.

On the same day in the evening at 7. p.m. the Bikaner representative wrote to me that he had then come to know the boundary in question, and that Thakur Bhur Singh had produced a document executed by a Thakur of Mandela in regard to the cutting of grass grown on the disputed land which lay on the east of Jora.

सुजायवत्ससीध मंडेला
 १५/१/१९१८
 नारायण मंडेला
 सोलावनसंद
 मंडेला
 सोलावनसंद

88

AMSTHAR UNIVERSITY

Gadrana. He further asked me to have the Patta of Hardewa Mina already produced verified (although on seeing the Patta it was found that there was no mention of the Jora Gadrana in it.) He further asked me to see him at 10 A. M. next morning before the Amins might proceed to the spot to demarcate the boundaries, and that he would be glad to know my opinion on this point.

I wrote to him a detailed letter in reply telling him that the production of a document by Bhur Singh after the disposal of the case is against the procedure, and that it was incumbent on him to produce it when the documentary evidence was called for. That it would be improper to alter and amend a decision after it had been explained to the parties, because the final orders issued got publicity, and that the document said to have been produced on behalf of Bhur Singh does not appear to be genuine. He ought to have produced it in the Court if it was in his possession before the judgment was delivered.

As regards Hardewa it should be noted that after the survey is done it would be known where to locate the site in question. Then and then alone this matter could be discussed. To amend the decision would be an occasion for ridicule in public, which is highly improper. To write out the decision is the only thing now remains. The Bikaner representative gave no reply to my note, but kept silent.

On 7th February 1914, Nazim of Shekhawati, the Thakurs of Mandela and myself went to the Bikaner representative. It was explained and shown to him that there was no reference to Jora Gadrana in the Patta of Hardewa, that Hardewa simply spoke of it in his deposition, and that the four boundaries also did not correspond to what had been stated. In these circumstances how could it be ascertained that the field of Hardewa was situated in the east of Jora Gadrana? It was also worth considering that the Thumli people declared that the disputed land belongs to them. On the other hand the Patta was granted by the Nazim of Reni. The Khalsa evidently had no right to assign a plot of land belonging to Jagir. If the Nazim had a mind to grant him land in lieu of chokidari he could have had it done through the Thikana. Moreover, it was entered in the Patta that the rent per bigha at the rate of four annas might be realised instead of seven annas. Hardewa deposed that he held the land in "Muafi" (rent free) while Bhur Singh stated that he used to receive rent for this land. Their contradictory statements should be noticed and conclusions drawn from them.

Moreover, the Thakurs of Mandela declared that the field of Herdewa is beyond Jora Tilokana, which is situated in the east, and therefore the field lies in that direction. It would be improper to believe the statement made by Hardewa and to discredit the statement made by the Mandela Thakurs.

The Bikaner representative accepted the above arguments. He said that the Amins ought to see the spot where the field of Hardewa was said by the Thakurs of Mandela to exist.

सुजयव्रतसिंह
मंडेला

मंडेला
4/5/14

सोमनाथसिंह
मंडेला

Subsequently the Bikaner representative showed me a document produced by Bhur Singh having a seal and purporting to be a permission to cut grass on the disputed land. It is to be noted with regard to the document that Bhur Singh said that the document bears the seal of Mandela Thakur, while actually it did not appear to be so, since the letters of the seal were illegible. Secondly, the wording of the document shows that it could not have been written by the Mandela Thakurs to the Thakur of Thumli. Thirdly, the paper of the document and the ink with which it is written do not show that it is an old document. It is dated Sambat 1910, and is sixty years old. The paper and ink do not show that it is so old. Moreover, it is not clear why the deposition made by Bhur Singh on the previous day did not refer to it at all. We both considered the points noted above and summoned the vakil of Bhur Singh to explain the points but he failed to satisfy us.

In order to avoid objection being raised we asked the Thakurs of Mandela to state whether the document in question had been written by their ancestor to the Thakur of Thumli. They unanimously declared that it had not been addressed by their ancestor, and that it was a forged document. They added that in Sambat 1910, Thumli was not a Jagir village but was held by the Khalsa. Thakur Bhur Singh was then asked to produce the original Patta of Thumli, which he did not do. We then had the flags pitched near the Tilokana Jora. The Mandrela Thakurs pointed out to us the field of Hardewa as being situated at the east of this Jora as well as its four boundaries.

After the flags were pitched we returned to the place of the Bikaner representative, who told me that Thakur Bhur Singh might be given one more opportunity to produce the original Patta, and that an enquiry respecting the document might be made.

I explained to the Bikaner representative again that it was against practice to re-open the case after the decision was pronounced. I told him I may have to concede to it since my colleague urges me to do so. The Bikaner representative told me that he would not like to stay there longer. In March next he said we should meet again at a place where the two Amins and the two parties could easily reach. He would name the place on the following day when we would arrive at Tamkhor.

Ashraf Khan, Amin, was therefore directed to prepare a map of the spot which should show clearly the places wherein the flags were pitched, and that he might apply to the Thikana for any help he would require. The map prepared by the Amin is on the records of the State.

It appears from Resident's letters that the Bikaner representative does not hold the same view of the matter as I do. According to him the Topographical map is inaccurate. I am of opinion that the central portion of the land as shown in the Topographical map belongs to Mandela, because the map was prepared in the year 1868, i.e., forty-six years ago, when there was no dispute between Thumli and Mandela.

सुनवत्सलसिंह नाथ सिंह नाथसिंह सोलनलसिंह
मंडेला मंडेला मंडेला
115/1011
सोलावली/मंडेला

The boundaries are clearly defined. The Thakur of Thumli ought to have raised his objection then. The boundaries must have been marked down in the map after consulting the two Durbars (Jaipur and Bikaner). Had the disputed land belonged to Thumli, it would certainly not have been shown in it within the limits of Mandela. The letter produced by Thakur Bhur Singh appears to be a false and forged document as had been stated by the Thakurs of Mandela.

(a) On enquiry it appeared that when Mandela became Khalsa, the Thakur of Mandela deposited his papers with the Thakur of Thumli, because he was married in Thikana Thumli, and he used to reside there. Probably the seal of Thikana Mandela was left at Thumli, and was availed of in preparing this document, otherwise it has no value in the face of the Survey map prepared by the Government.

(b) Secondly, the cultivators produced by the Thakurs of Mandela as their witnesses, stated that they have been cultivating the land under dispute for a long time as tenants of Mandela Thakurs.

(c) Thirdly, the entries in the *Bahis*, *Jamabandhis*, etc., produced by the Thikanas of Mandela go to prove conclusively that the produce of the land under dispute was always taken by the Mandela Thikana.

(d) Fourthly, the document addressed to the Charans was produced by the Thakurs of Mandela. It shows that the Thakurs of Mandela gave permission to the Charans to cultivate this part of the land under dispute. It further shows that the central portion belongs to Mandela.

(e) I held a private enquiry in regard to this matter and came to know the original cause of this dispute. The cattle belonging to the Thakur of Thumli used to come to Jora Dedhana to drink water, he being closely related to Mandela. But the Mandela Thakurs objected to their drinking water from the Jora. This caused the dispute. I learnt this from the people of the neighbouring villages.

(f) With regard to the letter of Nand Ram Singh produced by Bhur Singh it is to be noted that it was not produced at the time of enquiry, and that Bhur Singh did not make mention of it in the course of his deposition. Had he been in possession of such a document which proved his claim he would have made a reference to it and must have produced it in the beginning.

(g) Its production a few hours after the enquiry before the Bikaner representative after the decision was pronounced is a sufficient reason that it is a fabricated document, and which, according to common rules of procedure, cannot now be admitted as genuine.

(h) In these circumstances the boundaries specified by the Thakurs of Mandela are correct. The claim made by the Thumli Thakur that Thumli boundary extended towards Mandela is groundless.

Thakur Bhur Singh took advantage of an opportunity to produce the document in question because the judgment was not recorded as soon as it was pronounced, otherwise he could have had no occasion to produce it.

(Sd.) DURGA PARSHAD,
Rai Bahadur.

अज्ञातस्थिति
मंडल
मंडल
मंडल

मंडल
मंडल
मंडल
मंडल

Annexure E.

[Copy.]

Decision in Mandela-Thumli Boundary dispute.

After inspection of the boundary of the disputed area on the spot, examination of the earlier proceedings and reports, and listening to further arguments from both sides, and making an attempt to clear the situation independently by mutual agreement through selected individuals from the contending parties, and by the evidence of independent villagers in the neighbourhood, I have come to the conclusion that the entire area in dispute between the Survey of India Department line must have originally formed part of the Thumli Thakur's holding and therefore have been Bikaner territory.

If—as appears to have been the case—this area has sometimes been and presumably was at the time of the Government of India Survey Operations in 1867 in the possession of the Mandela Pattidars, then I think it must have temporarily passed to them by virtue of mortgage from Thumli. Neither side has been induced to give straightforward evidence about the transaction which has taken place between Thumli and Mandela in the way of transfer of land on mortgages, but it is quite clear that such transactions have not been uncommon, and that in one case Thumli was forced to apply to the Political Agent in Jaipur, Captain Thoresby, for assistance to obtain possession again of this land in the neighbourhood—if not this very land from the Mandela Puttidars, who it is alleged in the application made by them would not accept the mortgage price and make restitution of the land.

As regards actual possession and cultivation of fields within the disputed area I am satisfied from the evidence of the selected Jat villagers who gave their opinion to me privately, after taking oath before a Brahman on Ganges water, that certain fields at any rate had regularly been cultivated by Anji, the uncle of the present Pattidar of Thumli, and that other fields had similarly been cultivated by specified individuals from Thumli. I am satisfied too that Hardewa Mina of Thumli was also in possession and enjoyment of a field within the disputed area, which was inspected by me and clearly pointed out near the small tank known as Gadrana area.

It is unfortunate that no documentary evidence of the mortgage transactions has been produced, but in view of the fact that all circumstantial evidence points to the land in the disputed area being rightfully part of the Thumli estate, I hereby decide that the boundary between Mandela and Thumli shall in future run—as I firmly believe that it must have done in old times—along the line shown in the attached map and marked B.A.K.J.

(Sd.) J. MANNERS-SMITH,

LIEUT.-COLONEL,

Agent to the Governor-General,

Rajputana.

CAMP THUMLI-MANDELA,

3rd. December 1917.

सुरजबहादुरजी
मंडेली

नारायणजी
हसिम

नारायणजी
मंडेली

सुरजबहादुरजी
मंडेली

सुरजबहादुरजी/मंडेली

Annexure F.

Translation of a Copy of a Patta at a Concession rate, according to the rules and regulations of the grant of land according to Sections 5 and 6 of the Rules and Regulations for the Baories in the Bikaner State.

Patta granted to Hardewa Baori, inhabitant of Thumli Tahsil, Rajgarh. son of Hira Baori.

You have hitherto been in possession of 40 bighas of land, and you have been paying four annas and a half instead of seven annas per bigha of land in lieu of service of chowkidari rendered by you. Now, according to Section 8 of the rules and regulations of the Baories in the Bikaner State you are granted a Patta of the land to be in your possession till this village remains populated.

The conditions of grant are as follows :—

- (1) You will be charged $\frac{1}{8}$ th of the usual rent charged from others per bigha as a concession rate, and afterwards you will always be charged four annas per bigha as long as you render service, and in case of no service, six annas and one and a half pie will be charged as rent.
- (2) This land will be called as land granted to you for cultivation and will remain in possession of your family as long as character is reported good. In case any crime is committed by you or your family the land will be resumed.

Boundaries of the Land.

East...	...	...	...	Field of Malji.
West	...	...	...	Small tank (Jora).
South	...	...	...	Field of Bhairji Rajput.
North	...	...	...	Field of Mam Raj Jat.

(Sd.) M. SEETA RAMJI,
Nazim Reri.

Dated 20th June 1901.

सुजयसिंह
मंडल

सुजयसिंह
मंडल

सुजयसिंह
मंडल

सुजयसिंह
मंडल

सुजयसिंह
मंडल

Annexure G.

Translation of a Fatta granted by the Thakurs of Mandela to the Bardars.



Order given by Raj Sri Dowlat Singhji to Narain Dass.

You are granted 551 bighas of land to the east, north and west of Dedhana Jora (small tank called Dedhana).

You must enjoy this land, and sing in praise of our Raj (State).
Dated Asarh Budh 13th, Sambat 1812, corresponding to 1755 A.D.

(Sd.) GHARSI RAM,

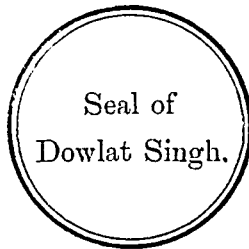
Under the orders of
Thakur Sahib,

सुजयससीव
मडेला

महाराज
मडेला
सोमनाथसिंह
मडेला
सोमनाथसिंह

Annexure H.

Translation of a Patta granted by the Mandela Thakurs to the Nirbans.



Grant of Patta by Dowlat Singhji to Nirban Gyan Singhji.

You are granted a Patta of 1501 bighas of land belonging to Mandela as a Bardar towards the west of the Gadrana Jora, to the east of Harsana Jora, extending towards the south to the Kankar (unculturable land) of *Kakreu* and to the south-west of Dedhana Jora.

You must enjoy this land and render service to the Thikana.
Dated Chait Sudh 8th, Sambat 1815.

(Sd.) GHARSI RAM,
Under the orders of
Thakur Sahib.

सुखनरससिंह
मंडेला

बाला सिंह नरसिंह
मंडेला

सुखनरससिंह
मंडेला

सुखनरससिंह मंडेला

Annexure I.

Translation of Statement of Bhur Singh, son of Beenj Raj Singh Rajut Jagirdar Kojla, State Bikaner.

Q. What have you to say in answer to the statement of Deedar Bux, Vakil of the Thakurs of Mandela?

A. The land of Sakhun Thumli is nine thousands bighas. This area includes the land of village of Thumli Sakhun and the inhabited portion of Thumli Sakhun. On one side a portion of Sakhun is uninhabited. Thumli was situated at a distant place once from where it is now. The Mandela Thakurs began to measure the land of Thumli on Asarh Bud 5th, Sambat 1968. On the boundary of Mandela there is a hamlet called Mahtiwala. To the west of this there is the land of Thumli Sakhin, towards the south of which at a distance of about 700 to 800 paces; towards the west there is uncultivated land of Thumli. About 600 paces from there is the uncultivated land of *Kakreu*. To its north there is a charitable Muafi grant to a Prohit, about 175 to 200 paces from there. The cultivators of Mandela used to cultivate that charitable land, and the cultivators of Mandela cultivated our land also. The names of the cultivators are: Bakht Singh, Jowahir Singh, Chandar Singh, Mangal Singh, Akhey Singh and some others whose names I do not remember. They used to pay rent to me. Sambat 1956, 1958, 1959 and 1962 were years of famine. I did not get any rent for these years. Sambat 1965 and 1966 were years of good harvest. In these years I wanted to collect rent, and I pressed four cultivators much to pay up the rent, therefore they became very angry. I remember names of two of those cultivators, viz., Bakht Singh and Jhujar Singh, who were very angry. They complained to their uncles, Agar Singh, Rir Mal Singh Nirbans that they had no produce, and still the Thakur wants to realise the rent. They spoke to Bagh Singhji, Suraj Baksh Singhji, Ganpat Singhji, Sati Danji and other Thakurs of Mandela that they should mix up this land with their land, and that it was quite possible to do so as the cultivators of Mandela cultivated it. The Thakurs of Mandela therefore said that this year's rent, viz., for Sambat 1967, Bhur Singh had realised and from next year we shall realise it, and the cultivators should not pay any rent to Bhur Singh because we shall realise it. In the month of Jaith when there will be hurricanes we shall measure this land and have a map of it prepared. When I came to know about it I told the Thakur of Thumli Sakhin, whom this land has been given in maintenance, to be careful. I also sent word to the cultivators of Mandela that they won't get this land for cultivation from this year. On Asarh Badi 5th the Thakurs of Mandela began to measure the uncultivated land of Mandela

सुखदेवसिंह
मंडेला

भा. ए. ए. ए. नारायण
मंडेला

नं. १०११

सुखदेवसिंह/मंडेला

सुखदेवसिंह
मंडेला

towards the east one or two days before it rained. The Thakurs then proceeded to our village Thumli Sakhin towards its south. That day it rained, therefore they stopped measuring the land. Next morning they began to measure it again. The cultivators of Thumli Sakhin came to cultivate the field. The Thakurs asked them what they were doing. They gave them an answer full of humour and then the Thakurs began to measure the land. Five or six of our cultivators went to the spot and stopped them measuring it, saying that it is the border of our land and we would not allow you to measure it. Those persons who were measuring it went back to Mandela at once. My cultivators sent a man to inform me of what had happened. When on hearing this news I went to the spot I found nobody there except the marks of the chain on the land. Then on the following day about mid-day several Thakurs of Mandela went to measure the land accompanied by several persons. We also left several persons there to watch them and to forbid them if they attempted to measure the land. So my men did not allow them to measure the land. Then the Mandela Thakurs told my men that they would take away this land from us and that we shall not be able to hold it. On hearing this I went to Rajgarh, reported the matter there and telegraphed to the Mahakma-khas Bikaner. Then it rained and my Thumli people ploughed the land, and Mandela people also ploughed the land. My people forbade them. Mandela people informed their Thakurs, who came to the spot with two or three hundred men. So our men and the Mandela Thakur's men ploughed the land that day. Next day they doubled their ploughs because they had four or five hundred ploughs in Dhani Mehtanwali. They had also arms. When the Mandela people began to plough the land Balwant Singh and Bhartia Naik rode to them and asked them why they cultivated that land, when they were asked by the Rawatsar Thakur not to do so. My men also informed them that I was going to report the matter to Rajgarh Police. The Mandela Thakurs then went away back to Mandela and took away their ploughs. Our men also brought our ploughs back. On the following day the Tahsildar of Rajgarh came to the spot. I reported that the Mandela people stopped our people by force from ploughing the land. The Tahsildar asked me to show him our Kankar (unculturable land). We showed the Tahsildar our Kankar. It is the same Kankar which I showed you (the representatives of Bikaner and Jaipur) yesterday. The Tahsildar Rajgarh sent for the Tahsildar of Shekhawati and told him that the Thakurs of Mandela were taking possession of the land of Thumli. The Tahsildar Shekhawati enquired from the Mandela Thakurs how much was their Kankar and over how much Kankar were they proving their possession. The Mandela Thakurs were also with the Tahsildar at that time. I showed them that my Kankar lay to the south of the inhabited portion of Thumli, and pointed out the trees of Phog Farash as marking out our boundary. The Mandela people also showed the same Kankar which they showed you yesterday. From that day the dispute has arisen and the land has not been cultivated, except that portion

हुजूमतलील मागरीह नारायण सोलानसंय
मंडेला मंडेला मंडेला

लोखमली मंडेला
लोखमली मंडेला

of land which the Mandela Thakurs forcibly cultivated on the south-west of Dhani Metanwali in the following year.

Q. Have you got any map of Thumli Sankhan ?

A. I have no map of olden times. I have just got a map prepared without surveying the land.

Q. How do you prove that the area of Thumli Sankhan is 9,000 bighas ?

A. I have got a Patta of five villages which comprise a Jagir of five horse. Thumli Sankhan is assessed as two horse Jagir.

Q. What is the area of Thumli, if it is a two horse Jagir, and what is its income ?

A. No area is fixed per horse. The area and income both together are taken into account as the measure of the land under one horse Jagir. Besides this there is land which has been given to the younger brothers of the family for their maintenance. Along with that land the income of the Thumli land is Rs. 1,400 to 1,500 and the area is 9,000 bighas.

Q. In which direction is the field which Bakht Singh cultivates ?

A. To the west of Dhani Mehtiwali where the Mandela Kankar is situated.

Q. Was there any dispute regarding this land when the Topographical Survey of the Government of India was prepared in Sambat 1942 ?

A. I was born in 1841. I was a child then. I do not know if there was any dispute as to this land then.

Q. Did you ever hear about it afterwards ?

A. No I did not.

Q. Did you ever hear that Thumli had mortgaged any land to Mandela, or have you any knowledge of it ?

A. The Thakurs of Mandela say that a maintenance holder of Thumli had mortgaged this land to a Mahajan from whom he borrowed money. That land is situated to the south-west of Dhani Mahtiwali.

Q. Did any Thakur of Thumli ever mortgage any land to any Thakur of Mandela ?

A. No. If this land had been mortgaged, how could I receive the rent. If there is any mortgage deed, it should be shown. But no mortgage deed has been shown.

Q. You did not ask for any mortgage deed to be shown to you ?

महाशय
मंडेल
अधिवक्ता
हिसाब
सहायक अधिवक्ता
सहायक अधिवक्ता
सहायक अधिवक्ता

4. I had demanded the mortgage deed in Sambat 1965 and 1966, corresponding to 1908 A.D.
- Q. What knowledge had you of the mortgage deed which made you demand the mortgage deed?
- A. The Thakurs of Mandela told me that the land cultivated by the Nirbans was mortgaged to a Mahajan. I said show me the mortgage deed.

(Sd.) BHUR SINGH.

NOTE.—Copies of Mr. J. D. Rudkin's Decision, and letter of Thakur Nand Ram Singh have not been granted.

सुजयसिंह
मंडेला

बाबासिंह
मंडेला

नारायण
मंडेला

सोनावलसंध
मंडेला

सोनावलसंध मंडेला

Annexure J.

Translation of the Statement of Deedar Baksh, Vakil of the Thakurs of Mandela, recorded by

G. D. Rudkin, Esq., and Rao Bahadur Durga Pershad.

Q. What is your suit ?

A. The suit is that Rawat Singh and Bhur Singh Pattadars of Kojla *alias* Rawatsar, who are also Pattadars of village Thumli Sankhan, came to Mandela boundary land, accompanied by one hundred sepoys and two hundred other persons, consisting of sawars and foot, all of whom were well armed, and cut down the boundary marks of Mandela, with the intention of mixing the Mandela land with their village land. Thus they prevented, under threat of bloodshed, thousands of bighas of land of Mandela from being cultivated, which they said was disputed land, and this interference of the Thakur has caused the Thakurs of Mandela loss of thousands of rupees.

Q. Give clearly the boundaries of your land ?

A. Towards the south our land extends from the Kankar of Tigias to Dhani Mehtiwali adjoining Thumli Bas. This is the extent of the land in the east of Mandela. From there in the east it extends from Dhani Mehtiwali, in the south to the Tilokana Jora in the north, and from there it extends in the east of Tilokana Jora till it takes a curve towards the west to Sahbana Jora and then towards north of the Dhedhana Jora ; and from there to the north of the Dedhana Jora it extends to west, where it touches the Kakreu Kankar far away from Harsani Jora towards the north-west of that Jora. Thumli lies to the north and north and west of these boundaries. The Kankar of Kakreu is regarded as the boundary line of Thumli and Mandela and Kakreu. The boundary marks of the Kankar are visible on the spot which have been shown to the officers.

Q. What is the proof that the land whose boundary you give belongs to you and in whose possession it is ?

A. In the first place the boundary marks and the raised boundary walls are in existence, which are found everywhere where the boundaries of two estates touch each other. Secondly, the cultivators pay to Thakurs of Mandela rent for it, of which accounts have been preserved for many years. The cultivators numbardars, chowdhries and patwaries and other respectable persons of the neighbouring villages, such as Kakreu, Dabri, Jawaharpura, Dhani Mehtanvali, Tigias, Nandrampur,

सुखबक्ससिंह
मंडेल

जवाहरपुर

मंडेल

सोवर्षसिंह

मंडेल

मंडेल

Jakhora and several other villages know that the Mandela Thakurs have been in possession of this land. A list of the names of the witnesses will be put in and the Jamabandhis and the Khatas (accounts of the realisation of rent) will be produced.

- Q. In whose land lies the way (road) which goes to Thumli Sankhan?
- A. All the ways (roads) which run through the land in dispute are in the land belonging to Mandela, and all those which are outside that land are in Bikaner territory. I can't say without measuring this land how much land belongs to Mandela and how much to Thumli.
- Q. Have you got a map of the land in dispute?
- A. I have got no Survey map of the Mandela territory.
- Q. In Sambat 1942 when the Government of India prepared the Topographical Survey maps of the whole of Rajputana was there any dispute regarding this land between Mandela and Thumli?
- A. There was no boundary dispute between Thumli and Mandela at that time for this land.
- Q. Who gave the boundaries of Thumli and Mandela at that time?
- A. I do not know.
- Q. Why are there three small pillars inside the boundary of Kakreu and on the land in dispute?
- A. They must be regarding the dispute of Raburi and Kakreu. I am not sure about it. But I know full well that those pillars are not erected regarding any dispute about this land.
- Q. Did the Thumli cultivators ever cultivate the land in dispute.
- A. Never; because there are only three houses in Thumli, and they have more land for cultivation than they can cultivate.
- Q. From which Jora do the cattle of Thumli drink water?
- A. During the rainy season wherever they go about grazing, and in hot whether they draw out water from the well because water dries up in the Joras (tanks).
- Q. Is there any Jora of Thumli on Mandela boundary?
- A. None.

(Sd.) DEEDAR BAKSH.

सुजयवन्सी
मंडेल

नारायण
मंडेल

नारायण
मंडेल

सुजयवन्सी मंडेल

Annexure K,

PROCEEDINGS :

In the Court of Pandit Harakh-Narayan, Tahsildar, Shekhawati, in the Revenue Department, dated 21st September, 1911.

Vakils of Thikana Mandela, Plaintiffs.

Versus

Rawat Singh, Bhur Singh, Thakurs, of Rawat Sar and his hundred persons, including camel-riders and foot of Nizamut Reni in the Bikaner State, Defendants.

Complaint regarding collecting an army with intention to attack and forcibly destroy the boundary marks of Thumli.

1. On 23rd June 1911, the order of Nizamut, Shekhawati, concerning the report of officer-in-charge of Nartar was received to make enquiries on the spot and to report how the case stands. Again on 27th June 1911, an order was received from Nizamut Shekhawati concerning the letter of Tahsildar of Rajgarh to proceed immediately and make enquiries on the spot about the land in dispute as to what gave rise to the present dispute, and why this change has come over against the ownership of and possession of such a long-standing over this land, and who is the originator of the dispute. Orders were also received to arrange to stop the quarrel and fight. The Thanedar had also been asked to assist this Tahsil. The Vakils of Mandela were asked to leave for Mandela where Tahsildar was to go to-night. On 28th June 1911, I arrived at Mandela. Pearay Lall, Vakil, and Hussain Ali Naib, Vakil, and Bhur Singh were asked to be present. A Sawar was sent to Tahsildar Rajgarh to inform him that I had arrived. Four o'clock in the afternoon was fixed for inspecting the site by the Tahsildar, Rajgarh, who was staying in Thumli. The Vakils of Thikana Mandela were informed to go to the spot at the appointed time and take with them servants of Mandela who knew all about the land.

2. On 28th June 1911, when I was going to the land where the dispute arose, accompanied by the Vakils of Mandela and Agar Singh in service of Bagh Singh, and Rirmal Singh in service of Shibdan Singh and Birad Singh in service of Suraj Baksh Singh and Rora Jat, I met Tahsildar Rajgarh on the way standing, and the Jagirdars of Thumli and the Thanedar Raburi were also with him. We inspected the site pointed out by the parties where the dispute arose, and I returned back to Mandela and asked the Amin of the Survey department to prepare a plain table Survey map of the land in dispute, and asked the Vakils of Mandela to

सुरजबखशसिंह
मंडेला

असिंह

असिंह

सिंह

मंडेला

सिंह

submit their proof. A second time on 30th June 1911, both the Tahsildars with their companions met as before, and it was agreed that the dispute about the *Kankar* may be amicably settled by the parties on the spot. But the Thakur of Thumli said that he could not decide anything without such authority from the Darbar. The Tahsildar Rajgarh said the same thing. The proceedings of this day are on record of this case. The Vakils were ordered to put in their oral or documentary proof.

3. Behari Lal Sri Mal, Vakil, Mandela, states on oath that the *Kankar* which the Thumli Thakur pointed out as belonging to him is not the *Kankar* belonging to him, but it is that *Kankar* which our servants showed to our officers in our presence. Our land lies to the north of that, but the Thakur of Thumli wants to usurp it. Our *Kankar* has its boundaries marked. To the north of that lies the *Kankar* of Thumli, to the west the *Kankar* of *Kakreu*, to the north-east is the land of Dhani of Pemli, and also the land of Tigias meets our *Kankar* in this direction. Our land is cultivated by the cultivators and we have got the record, such as *Khasras* and *Khatonis* of the receipt of rent from this land. One piece of land is known as *Ghanao* from the very beginning. It lies to the north and has its boundaries marked. The inhabitants of the neighbouring villages may be asked, and they will testify that this land belongs to Mandela. Hussain Ali, Vakil, Mandela, stated on oath just what Bihari Lal, Vakil, had stated. Balia Kalal stated on oath that he cultivates the land situated in the north from his boyhood. This land which he cultivates is situated to the west of Jora Tilokana and is to the south of the land called *Ghanao*, and he had been paying rent for it to Jawahir Singhji because it is his share of the land of Mandela. The statement of Debu Daroga of Agar Singh and Rir Mal Singh on oath is the same as that of Balia Kalal, and they further state that this land belongs to the Thakur of Mandela, and they pay rent to Thakurs of Mandela for it, that this land is situated to the north, and its boundary is marked, and that they have been cultivating it generation after generation.

4. Jogh Singh Rajput of Mandela, states on oath that he has been cultivating the land situated to the north from Sambat 1932, and that he cultivates 100 bighas of land and pays rent to Satidan. They have been cultivating this land from the time of their forefathers. Bikaner people are making false statements. The statement of Chander Singh I, and Chander Singh II, is the same as that of Jogh Singh. Chokhla and Rora Jat stated on oath that they cultivate the land situated towards the north and belonging to the share of Agar Singh, and to the south of it is the land of Dhani of Mahtanwali. To the north of it is the land called *Ghanao*. There are boundary marks between these two pieces of land. This land belongs to the Thakurs of Mandela.

5. Madho Singh, son of Rur Singh, and Ratna Partia, son of Salga, Dewa Jat, Sanvalia Kumhar, and Gorla Chamar of Mandela stated on

Dewa Jat, Sanvalia Kumhar, and Goria Chamar of ...
 सुरजवंतजीव जावा सिंह नारायण सोन्यावास
 मडेला मडेला
 राजस्थान
 JAIP

oath that this land belongs to the Thakurs of Mandela and we inhabitants of Mandela have been cultivating it.

6. Peeru Khan Kaim Khani of Mandela states on oath that 500 bighas of land lying to the north of the Dhani Mahtanwali is cultivated by him as the private land of Malam Singhji, and Sheo Lal Singhji of Mandela, whose servant he is. Rora Jat of Dhani Mahtanwali stated on oath that the *Kankar* pointed out by Thakur of Thumli is wrong, and the *Kankar* is that which he himself pointed out. That the land cultivated by him is called northern land and it belongs to Thakurs of Mandela and that he has been cultivating 160 bighas out of this land.

7. Sukha Jat of Baghpura states that he cultivates the land which lies to the north of Tilokana Jora and to the west of the *Kankar* of Thumli and to the south of Sahbana Jora, and he cultivates 300 bighas of land and pays rent to the shareholders of Mandela. Raikha and Mangla Jats state on oath that this land belongs to the Thakurs of Mandela and they have always been cultivating it for them.

8. Ram Rattan Shami of Mandela states on oath that he cultivates 25 bighas of land situated to the east of Dedhana Jora and is called *Ghanao*, and pays its rent to the Thakurs of Mandela. Budroo Brahman, Chunia Shami, Razakshah Fakir and Subhan Fakir of Mandela state on oath that the land lying to the north and called *Utradi Pana* belongs to the Thakurs of Mandela, and the Thakurs get it cultivated and receive its rent. On 2nd July 1911, bonds were obtained from the Vakils of Mandela for 500 rupees to keep the peace and not fight for the land, and the case was reported to Jhunjhunu on 3rd July 1911.

9. On 10th July, the Vakils of Mandela produced the cultivators of the neighbouring villages, viz., Dabri, Nanwa, Govindpura, Bajawa and Kakreu, who stated as follows :—

(a) Dud Singh, Rajput of Kakreu, states on oath that he is acquainted with the *Kankar* of Mandela. The *Kankar* which lies to the north of Dedhana Jora belongs to Mandela. Beyond that *Kankar* is the land which they have given to the Brahmans in charity, and next to it lies the *Kankar* of Tigias which joins it. The land called *Ghanao* also belongs to Mandela. The *Kankar* of Mandela extends to Kakreu.

(b) Lachoo, Jat of Kakreu states on oath that all the land to the north-east of Kakreu belongs to Mandela, and the *Kankar* of this land is towards the north. It extends towards the north to the north of Dedhana Jora. This Dedhana Jora also belongs to Mandela. The land of the portion called *Ghanao* also belongs to Mandela. The

सुखवर्धनसिंह
मंडला

राजपूत
मंडला

राजपूत
मंडला
मंडला
मंडला

- (c) The statement of Bam Dutt, Brahman, is also the same as that of Lachoo Jat.
- (d) Debu Jat of Dabri states that the *Kankar* of Mandela extends up to the north of Dedhana Jora, then to the north-east, where it meets the *Kankar* of Tigias. Beyond it, further to the north of Dedhana Jora lies the land of Thumli. To the south of the Dedhana Jora all the land belongs to Mandela. The whole of the northern portion of the land is called *Ghanao* and belongs to Mandela. Mandela Thakurs receive its rent.
- (e) The statement of Kishna Jat of Dabri is the same as that of Debu Jat.
- (f) Cheta and Arjun, Jats of Nanwa, state on oath that the Dedhana Jora belongs to Mandela. To the north of this Jora lies the *Kankar* of Mandela and to its east is the *Kankar* of Tigias; further to the north of Dedhana Jora, beyond the *Kankar* of Mandela, lies the *Kankar* of Thumli. All land to the south of Dedhana Jora belongs to Mandela. They graze their cattle there and therefore they know it.
- (g) Dungar Jat of Govindpura states on oath that the Dedhana Jora belongs to Mandela. To the north of Dedhana Jora lies the *Kankar* of Mandela. To the east of it is the *Kankar* of Tigias. Further to the north of Dedhana Jora, beyond the *Kankar* of Mandela, lies the land of Thumli. To the south-east and west of Godrana Jora all land belongs to Mandela.
- (h) The statements of Meeroo Jat of Jakhora and Bhola Jat of Bajwar are the same as the statement of Dungar Jat.
- (i) Shola Mukram, Jai Ram, Ratna and Beenja Jats of Tigias state on oath that the *Kankars* of Tigias, Thumli and Mandela meet in one place. From there it extends to the south of Sahbana Jora and north of Dedhana Jora, towards the west it extends to the *Kankar* of *Kakreu*. Sahbana Jora belongs to Thumli, and Dadhana Jora belongs to Mandela. To the south-east and west of Dedhana Jora all land belongs to Mandela, and further to the north of Dedhana Jora is the land of Thumli.

10. At 4 o'clock in the afternoon I proceeded from Mandela where I was staying, along with the Vakils of Thikana Mandela and Agar Singh, Ranjit Singh, Suraj Buksh Singh and Rora Jat, and Ratna Jat, and while I was going to the boundary of Thumli and Mandela I met on the way the Tahsildar of Rajgarh, who was standing on a mound of earth. The

the Tahsildar of Rajgarh, who was

सुजयप्रसाद महेश्वरी
महेश्वरी

बालादेव महेश्वरी
महेश्वरी

सोवना लखंड
महेश्वरी

निम्नलिखित प्रश्नों के उत्तर दीजिए।

Jagirdar of Thumli also came with the Bardar of Raburi. I said that we must go to the place where the dispute arose, which the Vakils and the servants of the Thakurs of Mandela say is at a distance from there. But the Jagirdar of Thumli and the Tahsildar said that that was the disputed *Kankar* where they were standing. The servants of the Thikana of Mandela did not admit it to be the *Kankar* where the dispute arose. But the Tahsildar of Rajgarh and myself agreed first to see the site, which according to Thumli Jagirdar, was the disputed land, and then the place which the servants of the Thikana of Mandela called the disputed *Kankar*.

11. Accordingly at first that site was inspected which the Jagirdar of Thumli pointed out. In this *Kankar* a lot of the land of Mandela has been included, as the servants of Mandela say, and many fields which are cultivated have also been included in this boundary, in which seed has been sown though the dispute was about *Kankar*. Then that site was inspected where, according to the servants of the Thikana of Mandela, the dispute arose. After inspecting both the sites shown by the parties the Tahsildar of Rajgarh said that both the parties have shown the site in such a way that they included more land than the disputed land, and that it is not worthy of belief and that it was not the dispute about the land, but some other enmity between the parties which caused this dispute. Therefore he asked me to make full enquiry to find out the truth, and he also promised to try his best to find the truth. It was settled that we should meet again at Dhani Mahtanwali and make further enquiry. I therefore returned to Mandela. I asked the Amin of survey, who had gone with me, to prepare a plain table Survey map of the site, and to show on it particularly the two places where both the parties have shown their *Kankar* meeting the boundary of other villages. The Vakils of the Thikana of Mandela were asked to produce any proof they have of their contention. I am trying to find out the truth by private enquiry also. Dated 28th June 1911.

Order.

12. The report may be put on file, and the Vakils of the Thikana of Mandela may be asked to produce any proof they have got. Dated 30th June 1911.

Order from the Tahsil.

13. The original record of enquiry may be sent back to the Nizamat with the following report: I went to the spot according to the order of the Nizamat to make enquiry in the case and stayed there for five days. At first I tried my best to have the dispute settled amicably between the parties but my efforts proved fruitless. After seeing the site which the Tahsildar of Rajgarh had shown as the disputed place, and after seeing the place which, according to the statements of the inhabitants of Mandela was *Kankar* from olden times, and after making enquiry from the cultivators, I came back to the Tahsil. The enquiry is not yet complete,

सुनबससीध
मंडला
वासिने
मंडला
नारायण
मंडला
सोनानसंध
मंडला
साववसीधमंडला

therefore at present whatever enquiries have been made are reported. But this dispute is concerning thousands of bighas of land, and if the land is not allowed to be cultivated it will cause heavy damage to the owners of the land. If the land is allowed to be cultivated it may cause bloodshed, because the parties will resist each other. Though the Tahsildar of Rajgarh has agreed that the parties should cultivate the land which is in their possession, yet it does not afford any certainty that the parties will keep quiet over it. I do not know whether the Tahsildar of Rajgarh has made any arrangements to stop the fight between the parties which may take place about the cultivation of land. The Nazim may therefore be pleased to write to the Nazim of Reni that no crime may be committed with respect to this dispute by the Thumli Jagirdar until it is decided, and the Mandela cultivators may not be prevented from cultivating the land in their possession for they are all armed. Dated 3rd July 1911.

14. On 10th July 1911, at the request of the Vakils of Mandela, a letter was written to Nizamat Reni to make arrangements to stop the fight between the parties. The Vakils of Mandela were asked to put in documents they have, and they submitted copies of the account book of the receipt of rent. On 28th August 1911, the original record of the enquiry was submitted to the Nizamat Shekhawati for orders; from there it was sent back with orders that as the case has taken a serious turn and it refers to dispute about the land, the Jamabandies or the accounts of the receipt of rent is quite correct, but it is better to enquire from the Numbardars of the neighbouring villages in whose territory this land is situated. Full enquiries should be made because the case concerns a foreign territory.

Order.

15. Record of the case has been put up before me to-day. It was submitted to the Nizamat after enquiry, but it has been sent back by the Nizamat with order that this case is important and refers to a dispute of land. It is therefore necessary to make full enquiries from the Numbardars of the neighbouring villages before re-submitting it to this office. On perusing the record of the case it is evident that full enquiries have been made on the spot, and the order about enquiry from the Numbardars of neighbouring villages has already been complied with. From the statements of the zemindars of the neighbouring villages, which are on record, the land is proved to belong to Mandela. The accounts of receipts of rent submitted by the Mandela Thakurs are also in perfect order. As the enquiry has been made as required and the case refers to receipts regarding rents and such cases are dealt with by the Nizamat, therefore the record should be submitted to the Nizamat for orders. Therefore the papers of this case may be submitted to the Nizamat for orders. Dated 21st September 1911.

21/9/11 (1911)

From

The Nazim of Shekhawati.

To

The Tahsildar of Shekhawati.

Dated 23rd June 1911.

In the case of Thumli Mandela the Thanedar of Narter reported on 23rd June 1911, that the letter of the Vakils of Thikana of Mandela was received by the Thana with the order of the Nizamat. I proceeded to the spot at once to make arrangements to stop the fight between the parties. I saw that about 150 men of Bikaner were on the spot all armed. Yesterday they were dispersed, and warned not to fight. The Thanedar of Raburi was also told that the action taken by the people of his Thakur was dangerous, and it was not proper. There is great fear of a fight taking place between the parties. The Thanedar showed me an order that they have been warned not to do so. After this I returned to the Police Station and halted there. This morning the Sub-inspector of Raburi came to the Police Station, and told me that if the inhabitants of Jaipur territory will cultivate the land in dispute, about which there is great fear of a fight between the parties, the inhabitants of Bikaner territory will also cultivate it and that may give rise to a quarrel. I therefore warned the Thakurs of Mandela not to quarrel, and not to cultivate the land. The Thakurs of Mandela told me that this land has belonged to them for many years, and that they have been cultivating it for years. The Bikaner people have made up their mind to fight with arms.

The statements of the Thakurs of Mandela are quite correct, and in reality the inhabitants of Bikaner came armed and were ready to kill and die. I have therefore reported the matter to the Hon'ble Court of the Council, Jaipur, and also written to the Vakil of Bikaner, and the Thanedar of Nartar in detail, and also write to you that you should go to the spot and make enquiry on the spot and let me hear as to how the case stands.

सहायक न्यायाधीश
जयपुर

नायब न्यायाधीश
जयपुर

सहायक न्यायाधीश
जयपुर

सहायक न्यायाधीश
जयपुर

From

The Nazim of Shekhawati.

To

The Tahsildar of Shekhawati.

Dated 27th June 1911.

In the above case a letter was received from Tahsildar, Rajgarh, dated 26th June 1911, to the effect that Thakur Bhur Singh, Jagirdar of Kojla in the State of Bikaner, has filed a complaint that the Sardars of Mandela have gone beyond their *Kankar* and are surveying the *Kankar* of Thumli Sakhun to try to cultivate the land of his *Kankar* by force, and that it may give rise to a dispute. Under the orders of my superior officer I went to the spot to-day. Before I arrived at the spot at about 8 o'clock in the morning I wrote to the Thanedar of Narter to come with the Thakurs of Mandela and meet me, so that the parties may be warned and arrangements made to stop the quarrel and fight. In reply to it Sagar Singh Thanedar Nurter wrote to me that he would come to the spot with the Sardar of Mandela. When I reached the spot I did not find him there. There is a great fear of a fight taking place between the parties, rather there is a great danger of a serious crime being committed. I therefore write to say that arrangements may be made to stop it. On such an order being received you are hereby informed that you should proceed to the spot at once, make enquiry about the dispute as to what it is, and why such a dispute has arisen when the possession of the Thakurs of Mandela over this land which belongs to them is of such a long standing. You should also see that no quarrel or fight takes place. Kindly make special arrangements for it.

[illegible]

सायबसायम

מחלקת המחקר והפיתוח

From

The Tahsildar of Shekhawati.

To

The Nazim of Shekhawati.

Dated 8th October 1912.

1. On the receipt of the order of Nizamat, I started at once and travelled all the night and reached Mandela in the morning. From there I wrote to the Tahsildar Rajgarh that I had gone there. The Tahsildar Rajgarh sent me word that he would meet me on the *Kankar*, which is the place of dispute, at about 4 o'clock in the afternoon. I went to the spot at that time, and the Tahsildar Rajgarh also came there. We made an appointment for the next morning to go to the spot and have the land in dispute surveyed. So I came back to Mandela, and the Tahsildar Rajgarh also returned to the place where he was staying. Next morning we went to the *Kankar* again. The Tahsildar Rajgarh was also on the spot which the Pattedar of Rawatsar of the Bikaner State had pointed out as the disputed boundary *Kankar*. I wanted the Tahsildar of Rajgarh to come to the spot which was pointed out by the Pattedar of Rawatsar in the first instance as the disputed *Kankar*, but the Tahsildar Rajgarh asked me to meet him at the next place shown as the disputed land. So I met him there. The Tahsildar of Rajgarh insisted upon the Mandela Thakurs at first showing him the land which belongs to them. I told him that it was not necessary, and that both the parties had already pointed out what land belonged to them, and that a map had also been prepared accordingly. According to that flags must be posted, and the land surveyed, and then the boundary line fixed. If it is considered necessary to again have the disputed land pointed out, the Jagirdar of Rawatsar should point it out first, as he did before, because the dispute has also been raised by him. It was settled that we should proceed with the case to-day. Third day we again went out to make enquiry. The Tahsildar of Rajgarh, accompanied by the Pattedar of Rawatsar, came to meet me in Dhani Mahtanwali belonging to Mandela. The Pattedar of Rawatsar and the Thakurs of Mandela talked to each other to settle the dispute between themselves, and they expressed a desire to settle the dispute between themselves. When I asked them to put their agreements in writing, the Pattedar of Rawatsar objected to it, and said that the Thakurs of Mandela had committed a criminal offence against him, and therefore they must file a compromise deed first. But the Thakurs of Mandela did not accept this proposal, and said that the boundary disputes are decided by arbitration. Therefore either the case should be tried by arbitration, or by a Court. In short when they could not

उत्तराखण्ड
मंडला

मंडला

मंडला

मंडला

settle the case mutually amongst themselves we had to turn our attention to the survey of the disputed land. But before we could commence our work I learnt from the Tahsildar of Rajgarh that he wanted to point out the *Kankar*, and at the same time have the survey of the land also done. The Amin of the Jaipur State said that it is against the rules of the survey to do so. At first the boundary marks should be placed, and then the survey should be carried out. They went on talking about it for a long time. At last the Tahsildar of Rajgarh accepted the proposal and we went to the *Kankar*. The Pattedar of Rawatsar first pointed out the boundary line, and the boundary marks of mounds of earth were chalked out. When we went beyond the 9th mound, the Pattedar of Rawatsar, without taking into consideration that there were no more marks of the *Kankar* left, proceeded towards the cultivated fields of Mandela land and was advancing towards Mandela. He was told that when the boundary was pointed out by him from one side to the other, and there were no more boundary marks at that place where he was going, nor were there earth mounds as he said there were all along his boundary line, and he was going into the cultivated fields which were beyond these boundary lines, and had no boundary marks but were only cultivated fields, it was impossible to find out any boundary marks there. The Jagirdar of Rawatsar and the Tahsildar of Rajgarh could not give a satisfactory answer to this question. The Pattedar of Rawatsar wanted to point out the boundary line in the cultivated fields, and the Thakurs of Mandela said that the Pattedar of Rawatsar had previously said that the dispute was regarding the *Kankar* (unculturable land), and therefore he could not shift his position and say that the boundary line lay in the fields (cultivated land), and that there were no boundary marks in the cultivated fields. That this procedure adopted by the Thakur of Rawatsar was against what he said in the beginning, that he was going to point out the boundary marks of his *Kankar* land. For this reason the fixing of the boundary marks on the spot could not be done, and I went back to Mandela.

2. We again met in Dhani Mahtanwali on the following day. The Tahsildar of Rajgarh told me that the cultivators of Mandela cultivate the land of Thumli and that they have not paid rent due to Thumli, and that this is the real cause of dispute. Therefore the parties may be asked to write out agreements not to lay any claim to the land which does not belong to them, but to be content with the land bounded by their old boundary lines existing on the spot. And the cultivators who went from Mandela to cultivate the Thumli land in Thumli and have come back and settled down in Mandela may be asked to execute bonds to pay up the rent due from them to the Thumli Jagirdar for cultivating the land in Thumli. All the dispute will cease if this is done. I asked the Tahsildar which is the old *Kankar* which you say marks the old boundary line, because the *Kankar* pointed out by the parties is different to what each of them should point out as the *Kankar* of each party. We then agreed to fix upon this place as the boundary line of the disputed land. The

सुजनवदसीध अगलरि गाविसम सौलानर
मंडेल मंडेल मंडेल

सौजनवदसीध

मंडेल

Tahsildar of Rajgarh and myself proceeded from Dhani Mahtanwali, and went beyond the land comprised in Dhani Mahtanwali, and also to the place comprised in the land of Mandela. The Tahsildar said that the fields which the Thakur of Thumli had called his old *Kankar* should be regarded as the Thumli *Kankar*. The Tahsildar of Rajgarh meant by this procedure to fix the *Kankar* of Thumli Jagirdar in the cultivated fields of Mandela and to put those fields in the possession of the cultivators of Thumli. Therefore I told the Tahsildar of Rajgarh that when that was not the old *Kankar*, and the cultivators of the Mandela Thakurs have been cultivating these fields for the past hundreds of years, how could he now say that the boundary of the *Kankar* of Thumli extended to the fields of Mandela over which he wanted to give possession to the Thumli cultivators? It was impossible to agree to such a proposal. There was a great discussion between the Thakurs of Mandela and Thumli, and after all they agreed again to decide the dispute regarding the *Kankar* amicably among themselves at that very moment. So we stayed near Jora Tilokana to decide the dispute between the parties. Then the Thakur of Thumli said that he had no authority to decide the dispute between themselves, and that the Durbar Bikaner had not given him such authority and power. The Tahsildar Rajgarh then reiterated the same thing and said that it was impossible to come to a mutual settlement easily, as long as the Bikaner Durbar did not formally invest the Thumli Jagirdar with such authority. When it appeared to be impossible to decide the dispute the Tahsildar Rajgarh asked me whether the land in dispute will be cultivated. He told me that as a portion of the land had been cultivated it was not right to keep the remaining portion uncultivated. The parties should cultivate the land which they have been cultivating so far, though arrangements should be made that the parties should not quarrel, nor should they take the law into their own hands, and attack each other. We gave sufficient warning to the parties. The Jagirdar of Thumli, while talking mentioned his grievance that at first he paid 900 rupees, then 950 rupees, the amount was then raised to rupees 1,800, and is now rupees 2,000 which he has to pay every year. The tribute is paid according to land. That he has less land and has to pay much tribute, and therefore the State of Bikaner should make up the deficit of land from somewhere or the State should lessen the amount of tribute.

3. From these facts it is clear that the Jagirdar of Thumli raised this dispute only for this reason. The Tahsildar Rajgarh then went away to the place where he was staying and I also came back. I am therefore now in a position to submit my full report on this case. From the statements of the inhabitants of Mandela and those of the neighbouring villages, and the maps of the site, and from the perusal of the site it is clear that the Thakur of Thumli is leaving aside the old boundary line and is laying claim to new land which does not belong to him, in order to increase his estate. There are no boundary marks in the fields, and that the fields have been cultivated by the Thakurs of Mandela, which Thumli Jagirdar wants to point out as within his

सुनकर
महेश

महेश
महेश

महेश
महेश

महेश
महेश

महेश

boundary. It can clearly be known from a survey of the land that the Pattedar of Rawatsar wants to usurp the land of Mandela, and it is his main desire to increase the extent of the land in dispute as much as he can. Therefore it is necessary that from both sides such officers may be appointed who may be given full authority to decide this case, after making full enquiry on the spot, and after seeing the site. They may either decide it themselves or have it decided by arbitration. The officers so appointed should first decide which is the land in dispute before they proceed to decide the case.

(Sd.) HARAKH NARAIN.

ਭਗਵੰਤ ਸਿੰਘ
ਮੰਡੇਲਾ
ਸਿੰਘ
ਮੰਡੇਲਾ

ਮਾਮਲਾ ਨੰ ੨
ਮੰਡੇਲਾ
ਸ਼ਹੀਦੀ ਨੰ ੨
ਮੰਡੇਲਾ

ਸੋਭਾ ਮਾਮਲਾ

From

The Nazim of Shekhawati.

To

The Tahsildar of Shekhawati.

Dated 26th November, 1911.

In this case an order has been received from the Hon'ble the High Court of Council, Jaipur, with reference to the docket of the Resident, Jaipur, that the Jaipur authorities have been asked to appoint an officer in whose presence the boundary land in dispute may be measured, and for this purpose a date may be fixed so that the officer appointed by the Bikaner State for the purpose may meet the officer appointed by the Jaipur State, and the land may be surveyed in the presence of both the officers as the land in question has not yet been surveyed and the names of the officers who are to be appointed may be communicated. On the receipt of this order the said Hon'ble Court was informed that 15th of January 1912 may be fixed for the meeting of the two officers, and that Pundit Harak Narain, Tahsildar, Shekhawati, has been appointed to proceed to the spot to meet the officer appointed by the Bikaner State and the Resident may be asked to inform the Bikaner authorities that the Tahsildar of Bikaner State may come to the disputed land on the appointed day. You may therefore carry out the orders of the Hon'ble the Court of the Council, Jaipur, as stated above and send the reply after complying with the order.

सुखदेवसिंह
मंडेल

जाहानगिर
मंडेल

सुखदेवसिंह
मंडेल

सुखदेवसिंह मंडेल

Annexure L.

Translation of letter from Thakur Hukam Singh of Thumli asking permission of Mandela Thakur Megh Singhji and others to let his cattle drink water from the Dedhana Jora (small tank called Dedhana).

After usual Compliments.

 T_0

RAJ SRI THAKUR MEGH SINGHJI, CHAND SINGHJI,
MANGAL SINGHJI, MAHTAB SINGHJI,
BIJEY RAJ SINGHJI, MAGAN SINGHJI.

FROM

HUKAM SINGH,
THAKUR OF RAWATSAR.

With compliments I write to say that we are alright. We wish you all well. Your Nirbans do not allow our animals, such as goats, camels, cows, etc., to drink water from your Dedhana Jora. You may kindly order them to allow our cattle to drink water out of this tank of yours, as we are friends and not strangers. Our cattle will not commit any damage in your cultivated land near Dedhana Jora. We have always regarded each other as friends for all these years and we have great regard for you. You may therefore kindly tell your Nirbans not to disallow our cattle to drink water from your Dedhana Jora. Sambat 1926 Miti Bhadwa Budhi 5th, corresponding to 1869 A.D.

(Sd.) HUKAM SINGH,
Thakur of Rawatsar.

सुखव्रतसीध
मंडेन।

१५/३/१८
५५५०१

Thakur of Rawatsar.

मोचदासदास

Registered

ANNEXURE M.

—:o:—

No. 36 86 of 1916

From

The Resident at Jaipur.

To

The Thakurs of Mandela,

Dated Jaipur, Rajputana, the 25th September 1918.

DEAR SIR,

I return herewith the Memorial forwarded with your letter dated 20th August 1918. No action on the Memorial can be taken by this office unless it is submitted through the Jaipur Darbar.

Yours truly,

R. E. A. BENN,

LT. COLONEL,

Resident at Jaipur.

दः राजवकाससीधमडेला

दः सोलवसीधमवरमा

दः नासपहसीधमडेला

बाधसिह

दः सोलालसंधमडेला

मंडरेला

ANNEXURE N.

—:o:—

Orders of the State Council Jaipur.

Memorial may be forwarded to the Resident. Dated 19th April 1919.

The Memorial may be forwarded to the Resident as already ordered. Dated 13th may 1919.

PAPERS READ,

ORDER.

The Memorial may be returned to the Mandela Vakil. Dated 11th September 1919.

कंसुजवकससीधमडेला

द० साधवकसीधमडेला

नारायणसीधमडेला

बाबासाहेब
मंडेला

सोनामनसंधुमडेला

ANNEXURE O.

—:O:—

To

The Resident

at Jaipur.

Sir,

The accompanying copies of the Memorial of the undersigned are resubmitted. As the undersigned are the aggrieved party they have a right to approach His Excellency the Viceroy about the dispute of the land which their forefathers gained by conquest. Memorials to His Excellency the Viceroy may therefore be kindly forwarded by the Resident under the Memorial rules.

We beg to remain,

Sir,

Your most obedient servant,

THAKUR SURAJ BAKSH SINGH.

" SHEO BAKSH SINGH.

" NARAYAN SINGH.

" SHEO LAL SINGH.

" BAGH SING.



Thakurs of Mandela in Shekhrwati,

State Jaipur.

ॐ श्रीगणेशाय नमः

ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय

